Remarks

Upon entry of this preliminary amendment, claims 1-59, 51-62, and 64-65 will be pending.

Applicant has deleted claims 60 and 63 and amended claims 3-5 in order to correct their preambles. Claims 46 and 48 have been amended to correct their dependencies. Applicant has also amended claims 55-59 and 61 to change their dependencies to claim 49. Finally, Applicant has amended claims 63 and 64 to depend from claim 1.

The Examiner has issued a Restriction Requirement. However, in view of the claim amendments, Applicant submits that the Restriction Requirement is incorrect. In view of the amendments, there should only be at most a restriction between three inventions:

1) medical products and monitoring of medical products, claims 1-43,

2) labels, claims 49-59 and 61-62, and

3) monitoring of patients, claims 44-48.

Therefore, Applicant elects claims 49-59 and 61-62 drawn to medical labels, with traverse.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Date: October 15, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please delete claim 60 and 63 without prejudice or disclaimer of the subject matter.

3. (Amended) The [surgical implement] medical product of claim 2, wherein the unique identifier is an alphanumeric string.

4. (Amended) The [surgical implement] medical product of claim 2, wherein the surgical implement is a sponge, a scalpel, a scissor, or a needle.

5. (Amended) The [surgical implement] medical product of claim 2, further comprising a memory that stores the unique identifier, and an analog front-end connected to the memory, wherein the analog front-end receives the unique identifier and transmits the unique identifier.

46. (Amended) The system of claim [44] 45, wherein the output device indicates the conflict visually or audibly.

48. (Amended) The system of claim [44] 47, wherein the sensor or the auxiliary sensors sense when a medical product and a patient identification tag are in conflict.

55. (Amended) [A blood product label comprising: a label] The medical label of claim 49, wherein the label is attached to a blood product[, the label including at least one integrated circuit that uniquely identifies the blood

product].

56. (Amended) The [blood product] medical label of claim 55, wherein the label is temperature resistant.

57. (Amended) The [blood product] medical label of claim 55, wherein the label is water resistant.

58. (Amended) The [blood product] medical label of claim 55, wherein the label is shock resistant.

59. (Amended) The [blood product] medical label of claim 55, wherein the label is flexible.

61. (Amended) The [blood product] medical label of claim [60] 55 , wherein the medically or logistically relevant data includes, information about the blood donor, blood type, blood recipient, expiration date, unit number, antigens, antibodies, logistical information, delivery distribution, indications, contra-indications, interactions, or combinations thereof.

64. (Amended) The medical product of claim [63] 1, wherein the medical product is a box containing medical products, a crate containing medical products, a bottle, an ampoule, a bag, a syringe, or combinations thereof.

65. (Amended) The medical product of claim [63] 1, wherein the medical product is a blood product.